



City of Dayton

City Plan Board

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Summary Minute Record April 11, 2017

1. Z-001-2017 – Zoning Map Amendment Public Hearing – Establish a HD-2 Historic District Overlay Zoning Designation for 34 North Main Street

Applicant: Mr. Jon White
City of Dayton
101 West Third Street
Dayton, OH 45402

Priority Land Use Board: Downtown

Neighborhood Planning District: Downtown

Decision: Recommended Approval

Staff Comments

Jon White presented the case and said staff recommended approval because staff believes the determinations and findings necessary for approval can be made.

The City of Dayton, the owner of the building, is requesting Historic Designation (HD-2) status for the Third National Bank Building located at 34 North Main Street in downtown Dayton. The building's underlying zoning designation, CBD, with a POD-2 Pedestrian Oriented Design zoning overlay, would not change.

The Third National Bank & Trust Company Building was completed in 1925-26 and is an excellent example of the Second Renaissance Revival style in Dayton. Designed by the prominent local architectural firm of Schenk and Williams, the building is important to the architectural fabric of Dayton and therefore would be eligible for the National Register of Historic Places under Criterion C, for its architecture. As such, it is an excellent candidate for local historic designation. The building has been noted in several local studies for its architectural significance, including the 1989 Downtown Dayton Survey, which states that the building is "one of Dayton's most architecturally outstanding buildings and is potentially eligible for the National Register."

The HD-2 designation essentially means that the property owner of the building would need a Certificate of Appropriateness (COA) from the Preservation Officer and/or Landmark Commission to make repairs or modifications to the exterior of the building or to demolish it. The City, who currently owns the property, is currently pursuing redevelopment opportunities from private sector development entities. The City would like to ensure that the architecturally significant features of the building are preserved and protected.

Public Comments

The Landmark Commission supports the HD-2 designation for the building.

Board Discussion

The Plan Board discussed the case.

Board Action

A motion was made by Mr. Bohardt, seconded by Ms. Pendergast and carried to recommend City Commission approval of Case Z-001-2017 based on the Plan Board's ability to make the determinations specified in R.C.G.O. Section 150.125.7 as outlined in the staff report.

Ms. Beverly Pendergast	Yes	Mr. Jeff Payne	Yes
Mr. David Bohardt	Yes	Mr. Matt Sauer	Yes
Mr. Richard Wright	Yes	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Absent		

Minutes approved by the City Plan Board on May 9, 2017.

Ann Schenking, Secretary
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2. Z-002-2017 – Zoning Text Amendment Public Hearing – Amend Various Sections of the Zoning Code to Clarify Sections, Make Updates, Correct References

Applicant: Mr. Aaron Sorrell for City Plan Board
City of Dayton
101 West Third Street
Dayton, OH 45402

Priority Land Use Board: All

Neighborhood Planning District: All

Decision: Recommended Approval

Staff Comments

Ann Schenking presented the case and said staff recommended approval because staff believes the determinations and findings necessary for approval can be made.

The current zoning code took effect August 1, 2006. Since then the code has been amended every year or so to increase its ability to effectively regulate land uses in the City of Dayton, improve its administration and enforcement, and allow it to more effectively support the current and future needs of Dayton's residents, neighborhoods, and businesses. Staff reviews the code to determine if changes are needed to fix oversights, correct references, make provisions consistent, eliminate unnecessary regulation, and reflect current and emerging best practices. The attached package of text amendments is the result of staff's most recent review.

On March 1, 2017, the package was reviewed by the Priority Land Use Boards at an all Land Use Boards meeting. Thirty members from our five Land Use Boards attended and every board was represented (West – 5 members; Southeast – 7 members; Northeast – 7 members; Downtown – 3 members; Northcentral – 5 members; and 3 others not on the sign-in sheet). The group supported the amendments proposed in this package.

On March 14, 2017, staff presented this package of proposed 2017 zoning code text amendments to the Plan Board. At that meeting, the Plan Board provided direction and asked staff to initiate the amendments on behalf of the Plan Board.

Many of the items on the list are routine. For example, some amendments clarify and update terminology, some add definitions where necessary, and some add uses to zoning district Permitted Use Schedules that have been permitted in those districts for some time (like bee keeping and household composting) but were not listed in the schedule tables.

One proposed text amendment incorporates a new best management practice in our Source Water Protection Area (SWPA). Recently, the Water Department's Division of Environmental Management developed a risk assessment methodology to determine potential risk to drinking water if Regulated Substances would be released from a business/site. Text amendment #2 states that any variance request to increase TMDI (Total Maximum Daily Inventory) and/or FHPR (Facility Hazard Potential Rating) in the WP Water Protection Overlay zoning district will be evaluated using this risk screening methodology. The results of the screening will be presented to the Board of Zoning Appeals (BZA) to use in evaluating and reviewing the request for the variance. Staff believes this information will be helpful to the BZA during variance review and evaluation.

As a result of direction provided at the March 14th Plan Board meeting, staff also included a provision that allows for a reduction in required motor vehicle parking if a bike sharing station, that is part of a bike sharing network, is provided.

In general, the proposed text amendments fall into the following categories:

Administrative changes:

- Fix incorrect references (#8, and 25 on summary chart);
- Make provisions consistent (#27, 33, and 35 on summary chart);
- Correct oversights (#3 on summary chart);
- Add definitions (#7, 9, 10, 12, 16, 22, and 23 on summary chart);
- Clarify/update regulations and terminology/spell out procedures (#1, 6, 11, 14, 15, 17, 18, 19, 20, 21, 24, 28, 29, 31, 32, 34, 36, 37, 41, 42, 43, 44, 45, 46, 47, and 50 on summary chart);
- Simplify administration (#5).

Incorporate best practices, recent U.S. Supreme Court decisions, and/or emerging trends: (#2, 4, 13, 26, 27, 28, 29, 32, 34, 35, 37, 38, 39, 40, 48, 49, 51, and 52 on summary chart).

Public Comments

Laura Estandia, Executive Director, Bike Miami Valley, 10 North Ludlow Street, Dayton, OH, spoke in support of the text amendments that would reduce required motor vehicle parking requirements if bicycle parking and/or bike sharing stations are provided. She also recommended that motor vehicle parking requirements be reduced for uses at RTA bus stops.

Board Discussion

The Plan Board discussed the case. Mr. Sauer said the text amendment that allows for a reduction in required motor vehicle parking if a bike sharing station is provided was a good start. He recommended that when developing the next group of text amendments, staff and Bike Miami Valley look at whether it is feasible to allow motor vehicle parking requirements to be reduced if a bike sharing station is nearby a use as opposed to on the site or the adjacent sidewalk.

Board Action

A motion was made by Mr. Sauer, seconded by Mr. Bohardt and carried to recommend City Commission approval of Case Z-002-2017 based on the Plan Board's ability to make the determinations specified in R.C.G.O. Section 150.125.6 as outlined in the staff report.

Ms. Beverly Pendergast	Yes	Mr. Jeff Payne	Yes
Mr. David Bohardt	Yes	Mr. Matt Sauer	Yes
Mr. Richard Wright	Yes	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Absent		

Minutes approved by the City Plan Board on May 9, 2017.

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3. RC-004-2017 – Informational Presentation on the Levitt Pavilion Dayton

Applicant: Mr. Tony Kroeger
City of Dayton
101 West Third Street
Dayton, OH 45402

Priority Land Use Board: Downtown

Neighborhood Planning District: Downtown

Decision: None; Presentation

Staff Comments

Tony Kroeger gave an informational presentation on the Levitt Pavilion Dayton. Construction is scheduled to begin in summer of 2017 and be completed by summer of 2018. The projected budget is \$4.5M to \$5M. The plans include a state-of-the-art music pavilion, a lawn area for viewing the performances, various landscaping features, and a restroom facility. The music pavilion will feature 50 free performances per year. It will be the eighth performance venue of its kind in the country. The performance structure has been designed taking cues from aeronautics—the overhead structure from the Wright Flyer, and the geometric metal building from modern stealth aircrafts. The structure is located on the southwest part of the park, and is oriented to the north. The venue is to have a capacity of 5000 patrons. Concessions would be provided by food trucks along Fourth Street. Existing healthy trees will be preserved when possible, which will primarily occur around the periphery of the site, such as along Main, Fourth, and Jefferson streets.

Public Comments

None.

Board Discussion

The Plan Board discussed the presentation.

Board Action

None; presentation.

Minutes approved by the City Plan Board on May 9, 2017.

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